

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION

NO. 5:12-CV-798-FL

STEPHEN P. ANDERSON,

Plaintiff,

v.

PERGO, LLC,

Defendant.

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ORDER

Pursuant to Federal Rule of Civil Procedure 16(b), the parties conducted a pretrial conference by telephone in this case on March 15, 2013, with plaintiff appearing through counsel Joseph H. Nanney, Jr., and defendant appearing through counsel Scott Elliot Bayzle and Patricia T. Bartis. After reviewing the parties' separate reports and plans, filed March 7, 2013, and considering the issues raised at conference, the court orders the following.

The parties shall exchange within **14 days** of the date of this order the information required by Federal Rule of Civil Procedure 26(a)(1). Where the parties noted at conference that early settlement discussions are ongoing, the court directs with consent of the parties that additional case activities be stayed up to and until **April 15, 2013**. If further stay is desired at that point, the parties may file joint motion for continuation of the stay. If at any time a settlement is reached, it shall be reported immediately to this court, and the parties shall refer to Local Civil Rule 101.1e for their specific obligations.

If settlement is not forthcoming, where plaintiff's report and plan raises a jurisdictional issue as to whether removal was proper on the basis of federal question jurisdiction, plaintiff shall have until **May 7, 2013** to file a motion to remand, or notice that no such motion will be filed. Upon resolution of such motion, or receipt of such notice, the court will enter case management order, as agreed at conference, drawing from the deadlines and requirements set forth in defendant's report and plan.

SO ORDERED, this the 15th day of March, 2013.



LOUISE W. FLANAGAN
United States District Judge